

REMARKS

After entry of the present Amendment, claims 1-4, 6-10, and 15-22 are pending in the present application. Claims 1-4, 6-10, and 15-16 have been amended as part of this response. Claims 5 and 11-14 have been cancelled as part of this response. Claims 17-22 have been added as part of this response.

Claims 1-4, 6-10, and 15-16 have been amended for grammatical purposes. Further, claims 6, 10, 15, and 16 have been amended for multiple dependent claim purposes. In addition, claim 1 has been amended to include that the “the fluid box (1) and at least a segment of said tubing (5) are obtained by assembly two parts (11, 12) out of folded or stamped sheet aluminum,” support for which is found at page 8, lines 7-26 of the application as filed. Claim 1 has also been amended to include the element of claim 11, specifically, that “each of said two parts (11, 12) defining approximately halve of the fluid box (1) and half of the segment.” Support for new claims 17-22 is found in the specification, figures, and claims as filed. No new matter is being introduced.

Claims 5-16 are objected to under 37 C.F.R. §1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over FR 2,526,932 to Valier (hereinafter referred to as *Valier*) in view of EP 0,580,287 to Martins (hereinafter referred to as *Martins*).

With respect to the objection to claims 5-16 under 37 C.F.R. §1.75(c), claim 5 has been cancelled and claims 6, 10, 15, and 16 have been amended such that no multiple dependent claim depends from any other multiple dependent claim. As such, Applicants respectfully assert that the objection to claims 5-16 under 37 C.F.R. §1.75(c) has been overcome.

With respect to the rejection of claims 1-4 under 35 U.S.C. §103(a), claim 1 has been amended as described above and Applicants respectfully assert that amended claim 1 is non-obvious over *Valier* in view of *Martins*. The combination of *Valier* and *Martins* does not teach or suggest all of the limitations of amended claim 1. Specifically, neither *Valier* nor *Martins* teach or suggest that “the fluid box (1) and at least a segment of said tubing (5) are obtained

by assembling two parts (11, 12) out of folded or stamped sheet aluminum.” In addition, neither *Valier* nor *Martins* disclose “each of said two parts (11, 12) defining approximately half of the fluid box (1) and half of the segment.”

In addition to the fact that the combination of *Valier* and *Martins* fails to teach or suggest all of the limitations of claim 1, many significant advantages are associated with the fact that the fluid box and at least a segment of the tubing are obtained by assembling two parts out of folded or stamped sheet aluminum with each part defining approximately half of the fluid box and half of the segment. For example, such a configuration simplifies the manufacturing of the radiator as compared to *Valier* and *Martins*. Since each of the two parts defines approximately half of the fluid box, the folding or stamping of the two parts can be accomplished by simple stamping and does not require deep drawing, which can require sophisticated lubrication and can still result in bursting as the two parts are deeply drawn. Further, simple stamping is a relatively inexpensive process thereby advantageously decreasing manufacturing costs.

In addition, governmental restrictions on automobile manufacturers concerning the recyclability of components of the vehicle have been becoming increasingly strict. Since the fluid box and the segment of the tubing are both formed of aluminum, the radiator of the present invention is advantageously easier to recycle than that of *Valier* and *Martins*. In fact, both *Valier* and *Martins* disclose plastic components of the fluid box and/or the tubing, which complicate the recyclability of the radiators. Specifically, *Valier* discloses an elastic membrane M and *Martins* discloses a plastic pipe 18.

In view of the foregoing, it is respectfully submitted that independent claim 1, as amended, and the claims that depend therefrom, are both novel and non-obvious such that these claims are in condition for allowance, which allowance is respectfully requested. The Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C. for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

Dated: April 23, 2008

/Christopher M. Francis/

Christopher M. Francis, Registration No. 59,511

The Pinehurst Office Center

39400 Woodward Avenue, Suite 101

Bloomfield Hills, MI 48304-5151

(248) 723-0392